IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPEAL NO.30 OF 2006

The State of Maharashtra ...Appellant
V/s.
Sonabai Shantmal Shinge & Ors ...Respondents

Mr.S.S. Pednekar APP for State/Appellant.
None for Respondents.

CORAM : V.M. KANADE, J.

DATED : 4th AUGUST, 2007.

P.C:-

1. Heard learned APP for the State/Appellant.

2. The State has filed this appeal for enhancement of sentence awarded by the Judicial Magistrate, First Class, Akkalkot, Dist:Solapur.

3. Complainant was working as a driver in S.T. Depot at Akkalkot. Prosecution case is that on 6/11/2000, the complainant was on duty and at that time some of the passengers who were getting in the bus, tried to enter the cabin of the driver. This was objected by the complainant and he did not permit the passengers to enter the cabin. As a result, accused assaulted the complainant with Chappal and gave him fist blows. They

also abused the complainant in filthy language. The Trial Court held that the Respondents/Accused were guilty for the offences punishable U/s.353, 332, 341 r/w 34 of IPC and sentenced them to undergo S.I. for one month and directed the accused to pay fine of Rs.100/- each and in default S.I. 4 days. After order being passed, the Trial Court had heard accused, their counsel and APP on the quantum of sentence. The Trial Court recorded that Sonabai Shinge was the member of Zilha Parishad and was a women and she had committed the offence for the first time. The Trial Court also recorded that father of Sonabai fell down from the bus and sufferd injuries and therefore, she slapped the complainant with a Chappal and therefore, other passengers also followed her. Taking into consideration these facts and circumstances, the Trial Court has awarded sentence to the accused and admittedly, injuries suffered by the Complainant were simple.

4. I do not see any reason to interfere with the aforesaid order passed by the Trial Court. Leave is refused. Appeal is dismissed accordingly.

V.M. KANADE, J.